IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

TUESDAY, THE 29TH MAY 2007 / 8TH JYAISHTA 1929

RPFC.No. 70 of 2007()

MC.291/2005 of FAMILY COURT, KASARAGOD

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REVISION PETITIONER/RESPONDENT

MOHAMED ALI, AGED 45 YEARS,
S/O.MAMMUNHI, RESIDING AT PANJAM,
P.O.ICHILANGOD, VIA.MANGALPADY, KASARGOD DISTRICT.

BY ADV. SRI.SURESH KUMAR KODOTH

RESPONDENTS: PETITIONERS

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1. BEEFATHIMA, AGED 36 YEARS,
D/O.IBRAHIM, RESIDING AT ZAM ZAM MANZIL,
BANDIYOD P.O., MANGALPADI VIA, KASARGOD DISTRICT.

2. ABDUL RAUF, AGED 15 YEARS,
S/O.MOHAMED ALI, ZAM ZAM MANZIL,
BANDIYOD P.O., MANGALPADI VIA, KASARGOD DISTRICT.

3. ABDUL AZIZ, AGED 12 YEARS,
S/O.MOHAMED ALI, ZAM ZAM MANZIL,
BANDIYOD P.O., MANGALPADI VIA, KASARGOD DISTRICT.

4. MOHAMED ASHRAF, AGED 11 YEARS,
S/O.MOHAMED ALI, ZAM ZAM MANZIL,
BANDIYOD P.O., MANGALPADI VIA, KASARGOD DISTRICT.
(RESPONDENTS 2 TO 4 ARE MINORS REPRESENTED BY
THEIR MOTHER BEEFATHIMA, THE IST RESPONDENT).

BY ADV. SRI.T.B.SHAJIMON

THIS REV.PETITION(FAMILY COURT) HAVING BEEN FINALLY HEARD ON 29/05/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.R.UDAYABHANU, J

R.P.(F.C.)No.70 of 2007

Dated this the 29th day of May, 2007

O R D E R

Revision petitioner is the respondent in M.C.No. 291/2005 which was decided set ex-parte.

2. It is submitted that he is employed in the Middle East and hence he could not defend the proceedings in time. In the circumstances, the order of the M.C. is set aside on condition that the revision petitioner continuing to pay maintenance at the rate of Rs.1,000/- to the wife and Rs.750/- to the children per month. It is submitted that he had also deposited Rs.10,000/- towards the arrears as ordered. The court below is directed to permit the parties to adduce further evidence, if they so desire and dispose of the case on merits. The amount in deposit is permitted to be withdrawn by the first petitioner in the M.C. The revision petitioner shall appear before the Family Court on 15.6.2007.

The R.P.(F.C) is disposed of accordingly.

K.R.UDAYABHANU,
JUDGE

csl